

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TAMMY CAMPOS,

Plaintiff,

vs.

No. CIV-09-0622 WJ/LAM

ELDO FREZZA, M.D.,

Defendant.

**ORDER GRANTING IN PART PLAINTIFF'S REQUEST FOR DISCOVERY IN HER
RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

THIS MATTER is before the Court on Plaintiff's request for discovery found in her *Subject to Plaintiff's Motion for Extension of Time to Respond, Plaintiff's Response in Opposition to Defendant's Rule 12(b)(2) Motion to Dismiss* (Doc. 9), filed October 30, 2009, wherein Plaintiff asks for permission to conduct written discovery and take depositions on the issue of whether the Court has personal jurisdiction over Defendant. The presiding judge in this case asked the undersigned to decide Plaintiff's discovery request. On January 12, 2010, the Court held a telephonic hearing on Plaintiff's discovery request at which counsel for both parties appeared. Having considered the parties' statements at the hearing, and having reviewed the record of the case, the Court **FINDS** that the motion will be **GRANTED in part**.

IT IS THEREFORE ORDERED THAT Plaintiff's request for discovery found in her *Subject to Plaintiff's Motion for Extension of Time to Respond, Plaintiff's Response in Opposition to Defendant's Rule 12(b)(2) Motion to Dismiss* (Doc. 9) is **GRANTED in part** and that Plaintiff is allowed to issue no more than *five (5)* requests for production, *five (5)* requests for admission, and

five (5) interrogatories, and a subpoena of Presbyterian Health Plan pertaining to the limited issues described herein, *by Thursday, January 14, 2010*. Plaintiff's discovery is limited to information regarding:

- (1) Any contract(s) between Defendant and Presbyterian Health Plan that were in place during the dates at issue in this case;
 - (2) Any contract(s) between Texas Tech and Presbyterian Health Plan that were in place during the dates at issue in this case;
 - (3) Advertising or solicitation conducted by Defendant for patients from New Mexico;
- and
- (4) The number of patients from New Mexico that had bariatric surgery at Texas Tech between January 2004 and December 2007.

IT IS FURTHER ORDERED THAT the parties are required to file a notice with the Court in CM-ECF *by Wednesday, February 24, 2010*, stating whether the information obtained through discovery will necessitate any motions to amend or supplement any of the pleadings relating to the pending dispositive motions (*Docs. 5 and 6*), or if those documents are ready for the Court's ruling as of that date.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE